

**REMARKS**

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-13 are pending. Claims 1, 4, and 9 have been amended. Claim 1 is independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

**Allowable Subject Matter**

The Examiner states that claims 2-13 contain allowable subject matter.

The Applicant thanks the Examiner for the early indication of allowable subject matter in this application. In response, rather than writing any of objected-to claims 2-13 in independent form at this time, instead the Applicant has presented arguments below arguing that independent claim 1 as current written is not taught or suggested by the reference cited by the Examiner.

Accordingly, independent claim 1 is in condition for allowance.

**Foreign Priority Claim**

It is appreciated that the Examiner has acknowledged the Applicant's claim for foreign priority.

**Drawings**

It is appreciated that the Examiner has indicated that the drawings have been accepted.

**Amendments to the Title**

Please revise the Title to read: DIGITAL CAMERA FOR CAPTURING AND RECORDING A MOVING IMAGE.

**Rejection Under 35 U.S.C. § 102**

Claim 1 stands rejected under 35 U.S.C. § 102 as being anticipated by Kozuki et al. This rejection is respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

Independent claim 1 is amended merely to place it in better form for U.S. practice and not to overcome any rejection.

Independent claim 1, as amended, now recites combination of elements directed to a digital camera which is capable of capturing a moving image and recording a captured moving image in a file, the digital camera including:

a recording mode setting device which sets one of a single recording mode and a continuous recording mode; and

a recording device for recording the captured moving image in a newly created file when the single recording mode is set by the recording mode setting device, and for recording the captured moving image additionally in an existing file in which a moving image is recorded when the continuous recording mode is set by the recording mode setting device.

In the Kozuki et al. document, moving images are continuously recorded in the moving image recording areas 5, and still images are recorded in the still-image recording areas 6; therefore, moving images and still images are recorded in spatially-different areas. More specifically, as disclosed in Kozuki et al. column 8 and FIGS. 8 and 9, this document merely discloses a video tape recording (VTR) device with tracks M1-M17 (recording area 5) along the length of the tape for recording moving images, and other tracks S5-1-S5-8 (recording area 6) for recording still images. One picture at a certain instant of track M-5 is also recorded in the still image areas 6 of the respective tracks S5-1 to S5-8 in order to permit an operator to easily understand the contents of the moving image on tracks M1-M17 during reproduction of the recorded image.

By contrast, the present invention images are recorded as digital signals. The present invention has a single recording mode in which captured moving images are recorded in a newly created file, and a continuous recording mode in which captured moving images are additionally recorded in an existing file in which a moving image is recorded, and has a recording mode setting device which sets these modes. However, in the Kozuki et al.

document, there is no suggestion of a recording mode setting device, and images are not recorded in a file.

In conventional moving image recording techniques, there is a problem in that as the number of files increases, management of the files becomes difficult, because moving image files are newly created every time shooting is performed. By contrast, in the present invention, there is an advantage that increasing of the number of files is suppressed by additionally recording newly-captured moving images in the existing files. Moreover, it is possible to collect/organize moving image files by categories. For example, there is an advantage that images are easily organized and/or retrieved. For example, a user may select the continuous recording mode via recording mode setting device so as to, for example, permit recording images which are taken at the same time and location in the same file.

As such, the Kozuki et al. device is completely different from the device of the presently claimed invention.

At least for the reasons explained above, the Applicant respectfully submits that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Kozuki et al. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Accordingly, independent claim 1 is in condition for allowance.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) are respectfully requested.

### **CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

*Application No. 10/043,169  
Amendment dated December 22, 2005  
Reply to Office Action of September 22, 2005*

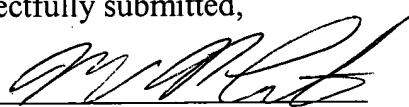
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Dated: December 22, 2005

Respectfully submitted,

By



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